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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,166	07/12/2004	Albert Maria Arnold Rijkaert	2069.055US1	5382
21186 7590 09/01/2010 SCHWEGMAN, LUNDBERG & WOESSNER, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402				
EXAMINER TESLOVICH, TAMARA				
ART UNIT 2437		PAPER NUMBER		
NOTIFICATION DATE 09/01/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/501,166

Applicant(s)

RIJKAERT ET AL.

Examiner

Tamara Teslovich

Art Unit

2437

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This Office Action is in response to Applicant's Remarks filed June 15, 2010.

Claims 1-20 are pending and herein considered.

Response to Arguments

In response to Applicant's remarks concerning Chen's alleged failure to disclose that "the range has a starting point kept at a predetermined distance prior to a time value corresponding to when the entitlement management message is set" and that "the starting point advances with the time value corresponding to when the entitlement management message is sent" the Examiner respectfully disagrees.

Chen discloses in paragraph 16, the ability to "generate entitlement control messages allowing the pre-encrypted content to be decryptable for a designated duration" and goes on in paragraph 28 to further discuss "retrofitting the pre-encrypted content with entitlement control messages." This "retrofitting" as he refers to it, is discussed throughout Chen including a discussion of "periodical keys" in paragraph 43 and further discussion of the "particular time period" for which the ECM is valid in paragraph 49 and the "limited time" during which the ECMs are "valid and usable" in paragraph 50. These periodical keys taught by Chen anticipate Applicant's "the range has a starting point kept at a predetermined distance prior to a time value corresponding to when the entitlement management message is set and the starting point advances with the time value corresponding to when the entitlement management message is

sent" insofar as they include a particular time period (range), whether months, days, or mere hours, during which the keys can be used to decrypt material.

It is based on the above made arguments that the Examiner maintains her rejection of the claims in their entirety for the reasons presented in her outstanding office action and including below for Applicant's benefit.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Application Publication No. 2002/0076050 A1 to Chen et al.

Regarding **claim 1**, Chen discloses a method of distributing units of encrypted information and providing conditional access to the units using a secure device capable of selectively enabling decryption of said units, the method comprising: distributing a stream comprising the units of information successively, the stream including a plurality of entitlement control message (ECM) (pars 4-5), wherein each of the entitlement

control messages is linked to a respective time-stamp, the respective time stamp associated with a time-stamp value indicative of a time at which the entitlement control message linked to the time stand was distributed (pars 27, 49); sending an entitlement management message (EMM) to the secure device, the entitlement message including a specification of a range of time-stamp values and entitling the secure device to enable decryption of the units of information that are linked to time-stamp with time stamp values in that range (pars 4, 16, 28, 30 "retrofitting"), wherein: the range has a starting point kept at a predetermined distance prior to a time value corresponding to when the entitlement management message is sent and the starting point advances with the time value corresponding to when the entitlement management message is sent (pars 16, 28 "predates").

Regarding **claim 2**, Chen discloses wherein the stream is distributed to a plurality of subscribers, each with an own secure device and wherein the entitlement management message is one of a plurality or respective entitlement management messages, each sent receivable for the secure device of a respective one of the subscribers, each entitlement management message including a specification of a respective range of time-stamp values (par 68), including; receiving subscriber dependent information (par 64); and setting the predetermined distance in each of the respective ranges according to a respective distance value and selecting each respective distance value from a set of two or more distance values, dependent on the subscription information for the subscriber for whose secure device the entitlement

management message is receivable (pars 69 "each EMM is generated for a specific set-top box"; 88 "periodical key and its validity period").

Regarding **claim 3**, Chen discloses wherein the entitlement management message is one of a series of successive entitlement management messages, each specifying its own range so that said range slides with time so that the predetermined distance comprises a time independent distance to said time value (pars 87-88 "synchronizing ECM retrofitting with periodical key changes").

Regarding **claim 4**, Chen discloses wherein the secure device maintains and updates a current time value corresponding to the time values of the time stamps as they are distributed as a function of time, the secure device adjusting said starting point to the predetermined distance before the current time value, the secure device deriving the predetermined distance from said one of the entitlement management unit at least for a series of successive current time values, wherein the predetermined distances is time independent (pars 87-88 "synchronizing ECM retrofitting with periodical key changes").

Regarding **claim 5**, Chen discloses wherein the range ends substantially before the time value corresponding to when the entitlement message is sent (pars 16, 28 "predates").

Regarding **claim 6**, Chen discloses the subscription information comprising, for one of the subscribers, a selection of a further range ending prior to the time value of the time stamps distributed at a time of receiving said selection, the method comprising sending a further entitlement message in addition to said entitlement messages, the further entitlement management specifying the further range and entitling the secure device to enable decryption of units of information that are linked to time-stamps with values in that further range (pars 87-88 "synchronizing ECM retrofitting with periodical key changes").

Claims 7-8 correspond to a system employing the method of claims 1-2 and are rejected accordingly.

Regarding **claim 9**, Chen discloses a secure device for use in an information distribution system that provides conditional access to a stream of information units linked to time stamps, the secure device comprising: an input for receiving entitlement management messages and a memory for maintaining a current time count (pars 16, 63 "subscriber terminal"); a management unit for selectively enabling decryption of the information units under control of the entitlement management messages that includes a specification of a range of time-stamp values linked to entitlement control messages included in the units of information, for which the secure device has to enable

decryption, wherein starting point for the range has a time value kept at a predetermined distance prior to the current time count and the time value of the starting point advances with the current time (pars 16, 30, 43, 46, 58 "subscriber terminal").

Regarding **claim 10**, Chen discloses an information distribution device arranged to distribute a stream of successive units of encrypted information to a secure device, each unit linked to a respective time-stamp, the device comprising; a transmitting unit for transmitting the stream, the stream including a plurality of entitlement control messages, wherein each for the entitlement control messages is linked to a respective time-stamp, the respective time stamp associated with a timestamp value indicative of a time at which the entitlement control message linked to the time-stamp was transmitted (pars 51-55 "content preparation system"); the transmitting unit for transmitting an entitlement management message including a specification of a range of time-stamp values the entitlement management message entitling the secure device to enable decryption of units of information that are linked to time-stamps with values in that range so that the range has a starting point kept at a predetermined distance prior to a time value corresponding to when the entitlement management message is sent and the starting point advances with the time value corresponding to when the entitlement management message is sent (pars 58, 60-62, 65-66 "conditional access system").

Regarding **claim 11**, Chen discloses the information distribution device according to claim 10, arranged to distribute the stream to a plurality of subscribers, each having a respective secure device the entitlement management message being one of a plurality of entitlement management messages for reception by respective ones of the secure devices, each entitlement management message specifying a respective range of time-stamp values, the device including: an input for receiving subscriber dependent information (par 64 "two way communication capability between the subscriber terminals and the VOD system"); means for setting the predetermined distance in each of the respective ranges according to a respective distance value (pars 65-66, 87-88), the means selecting each respective distance value from a set of two or more distance values, dependent on the subscription information for the subscriber for whose secure device the entitlement management message is receivable (pars 65-66, 87-88).

Regarding **claim 12**, Chen discloses wherein sending an entitlement message includes entitling the secure device to enable decryption of units of information that are linked to time-stamps with values with the starting points at least far enough into the past to contain at least a television program or a meaningful part of such a program prior to the time value of a current time (pars 87-88 "retrofitted to pre-encrypted programs).

Regarding **claim 13**, Chen discloses wherein the starting point is at least one or more hours prior to the time value of the current time (pars 87-88 "monthly changes").

Regarding **claim 14**, Chen discloses wherein the starting point is at least one day prior to the time value of the current time pars 87-88 "monthly changes" ().

Regarding **claim 15**, Chen discloses wherein sending an entitlement message includes entitling the secure device to enable decryption of units of information that are linked to time-stamps with values with the starting points at least sufficiently far into the past to contain at least a television program and at least one week prior to the time value of the time stamps distributed concurrent with the entitlement management messages ().

Regarding **claim 16**, Chen discloses wherein the range of time-stamp values is defined relative to the current time of day (pars 16, 28 "predates"; 87-88 "at least t1 minutes before").

Regarding **claim 17**, Chen discloses wherein said range of time-stamp values is a sliding window (pars 87-88 "periodical").

Regarding **claim 18**, Chen discloses wherein said range of time-stamp values is measured relative to a current time of day (pars 16, 28 "predates"; 87-88 "at least t1 minutes before").

Regarding **claim 19**, Chen discloses wherein the management unit is further to determine whether a received time stamp is within the range of values relative to the current time of day (pars 16, 28 "predates"; 87-88 "at least t1 minutes before").

Regarding **claim 20**, Chen discloses a system for use in an information distribution system that provides conditional access to a stream of information units linked to time stamp, comprising: a plurality of modules, each module comprising instructions retained on at least one machine-readable storage medium, that when executed by a machine perform identified operations, wherein the modules comprise: an input for receiving entitlement management messages (pars 16, 63 "subscriber terminal"); a memory for maintaining a current time count (pars 16, 63 "subscriber terminal"); and a management unit for selectively enabling decryption of the information units under control of the entitlement management messages, the management unit being arranged to implement one of the entitlement management messages that includes a specification of a range of time-stamp values linked to entitlement control messages included in the units of information, for which the secure device has to enable decryption, wherein a starting point for the range initially has a time value prior to the current time count (pars 16, 30, 43, 46, 58 "subscriber terminal"); wherein each entitlement management message specifies its own range so that said range of time-stamp values slides with time so that the starting point has a predetermined distance to said current time count and the starting point advances with the current time count (pars 4, 16, 28 "predates", 30 "retrofitting", 87-88) .

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamara Teslovich whose telephone number is (571)272-4241. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tamara Teslovich/
Examiner, Art Unit 2437

/Emmanuel L. Moise/
Supervisory Patent Examiner, Art Unit 2437